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Clerk
Michigan Supreme Court
PO Box 30052
Lansing, MI 48909

OFFICE OF
THE CHIEF JUSTICE

May 1, 2003

Re: ADM File Nos. 2002-38 and 2003-14

Dear Clerk:

This is a response to the Court's invitation to comment on increases in membership dues and other assessments proposed by either the Representative Assembly or the Court.

As you know, the Assembly is proposing an increase in dues and other assessments generally applicable to active members of \$75.00 to \$85.00¹ this year, plus an additional \$20 by 2007, for a total increase of \$95 to \$105. Generally applicable dues and assessments will total \$335 to \$345 in 2003. By 2007, generally applicable dues and assessments will total \$355 to \$365, an increase of between 36% and 40% over current charges, plus certain automatic inflationary adjustments.

These are startling increases, especially at a time when the state, local government, and businesses are cutting their budgets.

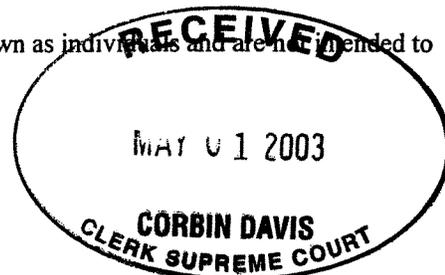
We are employed by an agency of the state legislature.² We do not have the advantage of a law firm or corporation picking up the tab for our bar dues and assessments. Nor, in our situation, are these charges tax deductible. We receive very little material benefit in return for our annual outlay in bar dues.

We object to the proposed \$20 to \$40 increase in **disciplinary dues**. Disciplined attorneys should be responsible for a pro-rata share of all administrative and overhead costs of the disciplinary system, whose existence they make necessary, in addition to all marginal costs of their own disciplinary proceedings. Furthermore, questions about the accountability and efficiency of the disciplinary system should be resolved before a dues increase is considered.

We object to the \$15 annual assessment for the **client protection fund** and agree generally with the comments and recommendations of Allan Falk in his letter of March 6, 2003. The client protection fund is, or should be, an insurance program, rather than a public relations tool or a haphazard charity. Insurance premiums are paid by or on behalf

¹ Depending on action taken on proposals concerning administrative reinstatement fees, late payment fees, inactive status dues, and age-neutral dues structure.

² The opinions expressed in this communication are entirely our own as individuals and are not intended to represent the position of our employer on this subject, if any.



of the pool of persons at risk. As government attorneys we do not handle client funds. Neither we nor our clients are in the risk pool.

We object to the increase in annual **membership dues**, because these dues are used in part to support activities that are not core bar functions. The Lawyers and Judges Assistance Program is an example. Our employer provides insurance coverage for mental health and substance abuse problems. To the extent the costs are not covered by deductibles and copays, this coverage is part of our compensation. We pay for it in kind, through our professional labors. Judges and other attorneys have or are able to purchase comparable insurance coverage. We also make donations to charitable organizations and pay taxes to support a social welfare system for those in need. This is enough without the bar compelling us to support a welfare program for members of a relatively affluent and elite subset of society.

Other examples of questionable expenditures of membership dues are administrative, overhead, and other costs incurred in support of bar sections. The activities of these entities are not core functions of the bar.³

To our knowledge, the bar also provides or is planning to provide education, training, and other assistance with law office technology. If the bar is to compete with the private sector, whether in the providing consulting services for computer systems, advising on personnel and compensation policies, or hawking pens and pencils, it should do so on a level playing field. Bar members should not have to subsidize the business expenses of those who turn to the bar for such services.

We object to reductions in **bar dues based on age or years of practice**. This strikes us as a skewed system. The beneficiaries are those likely to have relatively high incomes or accumulated wealth and relatively low financial obligations. This proposal seems to imply that bar members pay too much all along and so eventually merit some relief. The solution in this case is a general reduction in bar dues for all members.

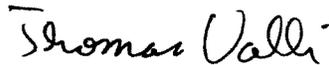
Finally, although we have no plans to enter inactive status, we object to the Assembly's proposed new **dues for inactive attorneys** at 50% of the active status amount. This seems wholly disproportionate to any administrative costs the bar necessarily incurs in maintaining the active/inactive licensing system.⁴ The Assembly argues that inactive members continue to be eligible for almost all bar membership services. Inactive members should be able to decide for themselves whether to remain eligible for such services.

³ In addition, some of us find that that certain sections have an ideological or political agenda with which we strongly disagree. The financial support and credibility they gain in the public's eye through their association with the State Bar of Michigan serves to advance such agendas.

⁴ One of us has been an inactive registrant with the Ohio Supreme Court for nearly 20 years at no cost.

Presumably, a substantial number of lawyers in inactive status are women or men devoting themselves full time to child rearing. The bar vigorously supports women active in the legal profession. Yet, the inactive status fee increase suggests a narrow view of women's interests.

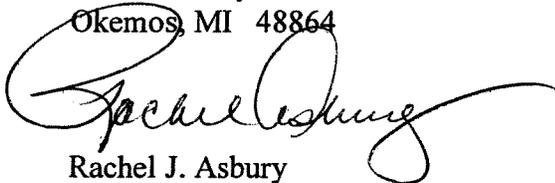
Respectfully yours,



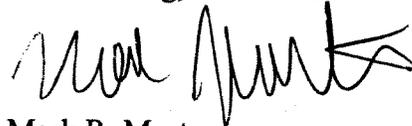
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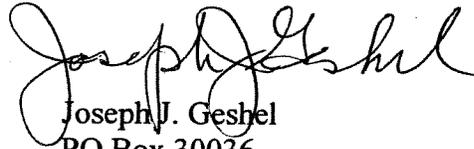
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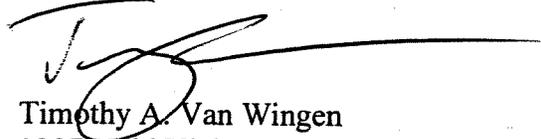
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